

Docket No.: 4252-0120PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Syuhei OKUDE et al.

Application No.: 10/584,412

Confirmation No.: 9068

Filed: April 6, 2007

Art Unit: 1794

For: POLARIZING PLATE PROTECTIVE FILM,
REFLECTION PREVENTIVE POLARIZING
PLATE AND OPTICAL PRODUCT

Examiner: E. A. Robinson

LETTER SUBMITTING DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Further to the Amendment filed April 23, 2009, attached please find the Declaration under 37 CFR § 1.132 signed by Mr. Hiroshi Yakabe in support of the patentability of the present invention.

Issues Under 35 U.S.C. §§ 102(b and 103(a)

The following rejections are pending:

- (A) Claims 1, 3, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as anticipated by Shoshi *et al.*, U.S. Patent Application Publication No. 2003/0104188 (hereinafter "Shoshi '188");
- (B) Claims 8 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoshi '188 in view of Murakami *et al.*, U.S. Patent No. 5,681,900 (hereinafter "Murakami");
- (C) Claims 9, 10, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoshi '188 in view of Nakamura *et al.*, U.S. Patent Application Publication No. 2001/0035929 (hereinafter "Nakamura"); and

- (D) Claims 1, 3 and 6-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishida et al., JP 2001-233611 (hereinafter "JP '611") in view of Nakamura.

Applicants respectfully traverse the rejections.

As noted in the April 23, 2009 Amendment, Applicants have further amended claim 1 to recite that the metal oxide complex is formed from at least one compound shown by the formula (2): R_aSiY_{4-a} .

In using the compound of formula (2): R_aSiY_{4-a} , the refractive-index of the low-refractive-index layer is lowered (i.e. the reflectance of the polarizing plate protective film is lowered). The resulting polarizing plate protective film has an excellent antireflection function. Moreover, the polarizing plate protective film has an excellent stainproof property by using the compound shown by the formula (2): R_aSiY_{4-a} . These features are neither taught nor fairly suggested in the cited references.

The attached Declaration is provided as evidence of the improved decrease in reflectance and the improved stainproof property resulting from the use of the compound of formula (2): R_aSiY_{4-a} .

Since the cited references do not teach or fairly suggest the use of the compound of formula (2): R_aSiY_{4-a} or its improved properties, significant patentable distinctions exist between the presently claimed invention and the teachings of Shoshi et al. '188, Murakami, Nakamura et al. and JP '611.

As such, reconsideration and withdrawal of the rejections are respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Dated: May 5, 2009

Respectfully submitted,

By 

Garth M. Dahlen

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